IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Inventor: Mark Stephen Webb	)	Examiner: Blaine T. Basom
	)	
Serial #: 09/905,298	)	Group Art Unit: 2173
	)	
Filed: July 12, 2001	)	Appeal No.: _____
	)	
Title: COLLAPSIBLE DIALOG WINDOW	)	

BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated February 13, 2007.

Please charge the amount of $500 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §41.37(a)(2) and 37 CFR §41.20(b)(2) to Deposit Account 50-0494 of Gates & Cooper LLP. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

I.   REAL PARTY IN INTEREST

The real party in interest is Autodesk, Inc., the assignee of the present application.

II.   RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III.   STATUS OF CLAIMS

Claims 1, 3-11, 13-21, and 23-30 are pending in the application.

Claims 2, 12, and 22 have been cancelled.

Claims 1, 3-11, 13-21, and 23-30 stand rejected.

All of the rejections of claims 1, 3-11, 13-21, and 23-30 are being appealed herein.

IV.   STATUS OF AMENDMENTS

Amendments to the claims have been made subsequent to the final Office Action. However, the Advisory Action failed to enter the amendments indicating that further search and/or consideration would be required.

Appellants respectfully disagree with such an assertion but submit that such amendments are not necessary to overcome the cited art. Accordingly, Appellants are appealing without entry of the amendments.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 11, and 21, are generally directed to collapsing a dialog window (see page 5, lines 16-17).

More specifically, the independent claims provide for displaying a complete dialog window of a currently active application on a display device (page 8, lines 13-23 and FIG. 3; page 12, line 2 and FIG. 5)

A location of a cursor with respect to the dialog window is determined (page 12, line 3 and FIG. 5).

A collapsed version of the dialog window is then displayed in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window (page 5, lines 17-19; page 12, lines 4-10 and

FIG. 5). The claims further provide that the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window (page 12, lines 6-8). Further, the claims provide that the collapsed version of the dialog window comprises a title bar of the dialog window (see page 10, lines 19-23 and FIG. 4).

The claims further provide for displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window (page 5, lines 19-20; page 7, lines 12-13; page 9, line 22-page 10, line 1; page 12, lines 11-13).

In view of the above, it may be seen that merely moving the cursor outside of the complete dialog window causes the collapsed version of the dialog window to display. Further, merely moving the cursor within the collapsed version of the dialog window causes the complete dialog window to display again. In addition, the independent claims provide that the collapsed version of the dialog window comprises a title bar of the dialog window. Thus, the claims provide that when the cursor moves out of the complete window, the title bar of the complete window is shown. Further, to display the complete dialog window again, the user moves the cursor only from outside of the collapsed version into the title bar of the collapsed version of the dialog window.

The present amendments further provide and require that the collapsed and complete dialog windows are displayed in response to actual cursor movement. Again, the complete dialog window is displayed only when the cursor moves from outside of the collapsed version of the dialog window to within the title bar. Accordingly, merely moving around where the complete dialog window previously existed (e.g., an "extent" or location of the window) would not trigger the display of the complete dialog window as claimed.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
1.   Whether claims 1, 3-6, 9, 11, 13-16, 19, 21, 23-26, and 29 are patentable under 35 U.S.C. §102(e) in view of Janssen et al., U.S. Patent No. 6,512,529 (Janssen).
2.   Whether claims 8, 10, 18, 20, 28, and 30 are patentable under 35 U.S.C. §103(a)

in view of Janssen and further in view of U.S. Patent No. 6,583,390 (Wandersleben)

3. Whether claims 7, 17, and 27 are patentable under 35 U.S.C. §103(a) in view of the combination of Janssen and Wandersleben and further in view of Microsoft Word 2000 application (MSWord).

VII. <u>ARGUMENT</u>

1. <u>Claims 1, 3-6, 9, 11, 13-16, 19, 21, 23-26, and 29 are patentable under 35 U.S.C. §102(e) in view of Janssen.</u>

A. Independent Claims 1, 11, and 21

The differences between the present independent claims and Janssen clearly establish patentability of the invention. Appellants first note that for Janssen to display the complete opaque window, the user merely moves the cursor anywhere into the extent of the window. In other words, rather than forcing the user to move into the title bar, the user merely moves the cursor into any part of the area where the full invisible window resides, and the full opaque window is then displayed. Such a window display is different from the present invention where the user must move the cursor into the title bar and not anywhere within the extent of the full window. The claims explicitly provide that the cursor moves "only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window". Such differences are significant.

Appellants direct the attention of the Examiner to the background of Janssen and note that Janssen is directed towards applications where information in windows of the application change dynamically independent of operator intervention (see col. 1, lines 41-44). In this regard, Janssen refers to an air traffic control display where aircraft are plotted on a display according to their current position that dynamically changes without user intervention (see col. 1, lines 44-50). Janssen also relies on such an example in the detailed description of the invention (see col. 4, line 43-col. 5, line 47 and FIGS. 2-4). Janssen continues in the background and explains that the operator needs to view the background air traffic while viewing other information as well (see col. 1, lines 58-col. 2, line 5).

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To cure the problems of the prior art, Janssen merely provides the ability for a window to become invisible and therefore allowing the user to see the background radar data under the invisible window. To display the contents of the informational windows (that are invisible), the user merely moves the cursor anywhere into the area of the invisible window again. (See FIG. 3, col. 4, lines 57-col. 5, line 9).

The noted difference or problem with Janssen's invention is that the user cannot work in the background radar data screen under where the invisible window is displayed. In other words, the only use of Janssen is to allow the user to visually see the background radar data. As Janssen itself states, there is no user interaction with the window but the information dynamically changes without user interaction. Further, even if the user wanted to interact with the data, Janssen's invention would not permit it. In this regard, as soon as the user moves the cursor to a place where the invisible window exists, the full window is displayed and the user cannot work on the background radar data.

In view of the above, it can be seen that the differences between Janssen and the present claims are significant and the present invention provides significant and clear advantages over that of Janssen. Further, there is no suggestion or motivation to modify Janssen to provide the benefits of the present invention or in the manner disclosed in the present invention.

In response to the above arguments that were previously submitted, a prior final Office Action provides that the claims fail to recite that the collapsed version of the dialog window is only a title bar of the dialog window, whereby to display the complete dialog window, the user must move the cursor into the title bar. The prior final Action continued and stated that it was within the scope of the independent claims for the collapsed version of the dialog window to comprise other displayed features in addition to a title bar and for the complete dialog window to be displayed in response to moving the cursor within parts of the collapsed version of the dialog box other than its title bar.

Appellants respectfully disagree with the Examiner's interpretation of the scope of the claims. However, to expedite prosecution, Appellants previously amended the claims to recite that the collapsed version of the dialog window comprises the title bar of the dialog window. Further, the claims were further amended to recite that the complete dialog window was only

displayed in response to the cursor moving within the title bar of the collapsed version of the dialog window. Accordingly, the current claims are clearly distinguishable from Janssen and the assertions set forth in the prior final Office Action are moot. In this regard, it is not within the scope of the present invention for the collapsed version of the dialog window to comprise other displayed features in addition to the title bar since the collapsed version of the dialog window comprises the title bar itself and is the same title bar that cursor must move into. In this regard, the claims explicitly provide that the cursor must move into the title bar of the collapsed version of the dialog window to display the complete dialog window.

Appellants note that prior to amending the claims, an Interview was held with the Examiner and proposed amendments were discussed. The proposed amendments that were discussed were then formally filed in response the non-final Office Action. In response to such amendments, the Patent Office rejected the independent claims as follows:

> Specifically regarding claims 1, 11, and 21, Janssen teaches: displaying a window of a currently active application on a display device; determining a location of a cursor with respect to the window; making the window, or portions thereof, invisible in response to moving the cursor from within the window to outside of the window without depressing a button of the window; and displaying the complete window again in response to moving the cursor from outside of the invisible window to within the extent of the invisible window without depressing a button of the window (for example, see column 2, line 33 – column 3, line 20; column 4, line 56 – column 5, line 9). Janssen further teaches that, instead of making the entire window invisible, only a title bar of the window may be displayed (for example, see column 2, line 59 – column 3, line 4). Such a displayed window, only comprising a title bar, is considered a collapsed version of the window like claimed. Moreover, as Janssen discloses that the complete window is displayed in response to moving the cursor from outside of the invisible window to anywhere within the invisible window (e.g. its title bar) – and that no further movement or positioning of the cursor is required – Janssen further teaches displaying the complete window in response to the cursor moving *only* from outside of the collapsed version of the window to within the title bar of the collapsed version of the window without pressing a button of the window. As asserted above, it is understood that such teachings may apply to dialog windows, a well-known type of window in the art. Accordingly, Janssen teaches a computer-implemented method for collapsing a dialog window of an application, the method comprising: displaying a complete dialog window of a currently active application on a display device; determining a location of a cursor with respect to the dialog window; displaying a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the display of the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window; and displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window, like recited in claim 1. Janssen further discloses that such teachings may be implemented as software, presumably stored in computer memory and executed by a computer (see column 4, lines 5-40).

Such computer memory comprising software to implement the teachings of Janssen is considered an "article of manufacture," like described in claim 11. A computer executing the software in order to implement the teachings of Janssen is considered a system like that described in claim 21.

Further, in reply to the prior amendment and response, the Office Action asserted:

In addition, the Examiner respectfully notes that the placement of "only" within the phrase is significant to the scope and meaning of the claims. For example, a recitation of "displaying the complete dialog window only in response to the cursor moving from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window" requires the cursor to be moved into the title bar in order for the complete version of the window to be displayed. However, "displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window" - as is currently recited -entails displaying the complete dialog window in response to moving the cursor into the title bar of the collapsed version of the dialog window, without any further movement, but does not require that such cursor movement be the only way to bring about the collapsed version of the window. That is, it is within the scope of the claim for other cursor movements (i.e. moving the cursor anywhere within the extent of the collapsed version of the dialog window, as Janssen teaches) to bring about the dialog window.

Appellants disagree with and traverse such a rejection. Nonetheless, in accordance with such a final rejection and in an attempt to expedite prosecution, Appellants amended the claims after the final Office Action by merely moving the word "only" to a different location. However, in response thereto, an Advisory Action was received indicating that further search and/or consideration would be required. Appellants traverse the rejections set forth in the final Office Action with respect to the current claims and submit that the amendments (submitted after final) do not further clarify the language and are not necessary to distinguish the prior art. Accordingly, Appellants submit this appeal with the claims in their prior form.

A significant distinguishing feature of the claims is that when the dialog window collapses, not only does it collapse to a title bar, but to expand it, the user MUST (the claims require "only") move the cursor from the outside of the collapsed dialog window to within the title bar of the dialog window. Such a unique and specific requirement for movement of the cursor is completely and wholly lacking from Janssen.

The Examiner asserts that the "only" terminology entails that no further movement of the cursor is required to display the collapsed version and or to display the complete version.

Appellants respectfully disagree with and traverse such an assertion. The claim limitation in question provides:

> displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window.

As can be seen, such "only" language directly refers to moving the cursor from outside of the collapsed version to within the title bar of the collapsed version. The "only" language does not state that further cursor movement or positioning is not necessary. However, Appellants do note that no further movement or positioning is required. However, the claims provide for displaying the complete dialog window IN RESPONSE TO … Such a responsive action accompanied by specific exclusive limitations relating to where the cursor is moving from and to clearly distinguish Janssen. Again, there is no support in the claim language or otherwise for asserting that the term "only" applies to the necessity for further positioning or movement. If Appellants wanted to include such terminology, such language could have been added to the claims. In this regard, dependent claims 4, 14, and 24 explicitly provide that the collapsed version f the dialog window is displayed in response to the cursor moving outside of the complete dialog window without additional action by a user. Further, claims 6, 16, and 26 provide that the complete dialog window is displayed when the curor moves within the collapsed version of the dialog window without additional action by the user. The use of such language clearly indicates the ability and knowledge regarding the use of such distinguishing language if desired. Further, if the term "only" has the same meaning as that set forth in claims 6, 16, and 26, claims 6, 16 and 26 would provide no additional limitations and would be useless. Instead, the context and location in which the term "only" is used clearly applies the term to where the cursor is moved from and to and does not reflect the ability or lack thereof for further cursor movement and/or positioning.

The final Office Action continues and provides that Janssen displays the complete window in response to moving the cursor from otuside of the extent of the invisible window to anywhere within the extent of the invisible window, including its displayed title bar and that such

a teaching reads on the present invention. Appellants respectfully disagree. Again, the claims require that the cursor must move from only outside the collapsed version to within the title bar of the collapsed version. In Janssen, if the cursor is moved anywhere within the extent, the complete window is displayed. Such a movement is explicitly excluded from the present claims. Again, the present claims require that the cursor moves only from outside the collapsed version to within the title bar of the collapsed version. Janssen's moving the cursor into the extent of the complete window would not fall within such claim scope.

In view of the above, Appellants respectfully request reversal of the rejections.

        B.   Dependent Claims 3, 13, and 23 Are Not Separately Argued

        C.   Dependent Claims 4, 14, and 24 Are Not Separate Argued

   D.   Dependent Claims 5, 15, and 25

These dependent claims provide that the collapsed version of the dialog window is displayed such that the system buttons, within the dialog window, are in a same position, on a display device, in the collapsed version as when the complete dialog window is displayed. Further, the system buttons do not move away from the cursor when the dialog window collapses or expands.

In rejecting these claims, the Office Action relies on Janssen Figs. 2-4 and the text in col. 4, line 43-col. 5, line 9. Applicants note that the supporting text provides for displaying invisible windows and provides that the overlapping windows' title bars and window frames are still visible thereby providing visual cues as to where the windows will be when opaque.

However, what is lacking from the textual description is any indication that the system buttons in the title window are in a same position and do not jump away or move away from the cursor during the expansion or collapsing process. Appellants note that Figs. 2-4 further support Appellants arguments:

FIG. 2

FIG. 3
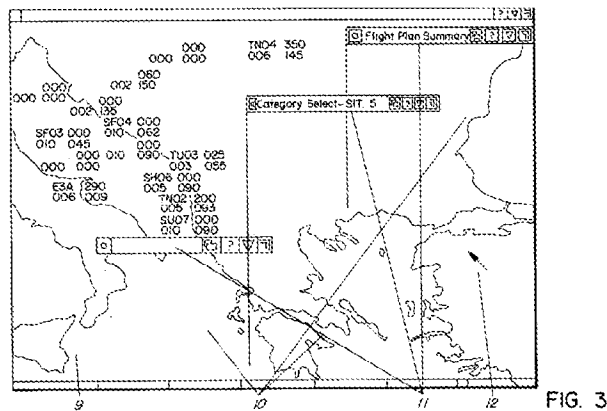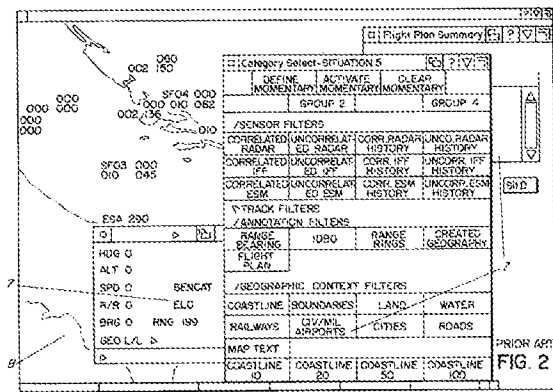
As can be seen in the side by side comparison of Figs. 2 and 3, the collapsed version of the dialog windows are not in the same location. In this regard, the collapsed versions of the title bars are not as wide and appear in a different location. Further, it also appears that the maps on which Figs. 2 and 4 are displayed are not the same.

FIG. 3
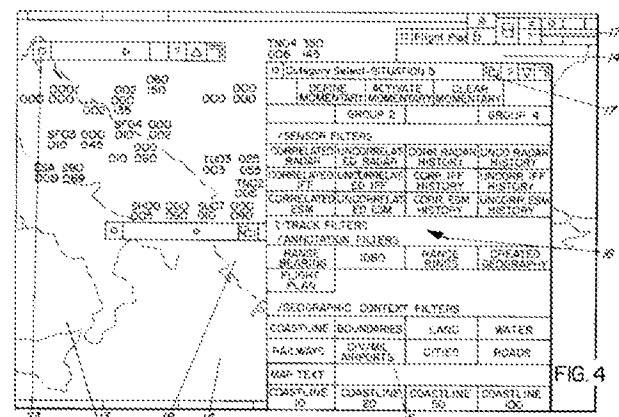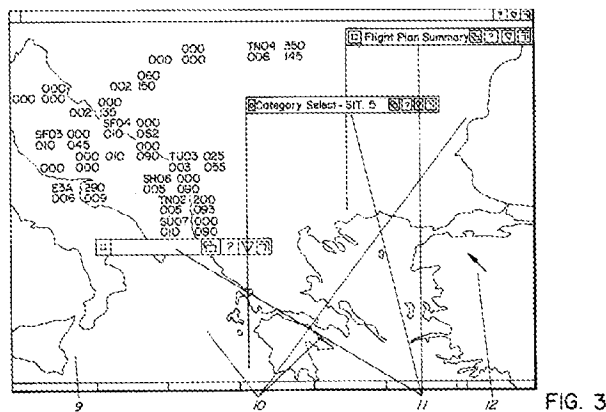
FIG. 4

The side-by-side comparison of Figs. 3 and 4 further illustrate the differences between the collapsed title bars and complete windows. In this regard, the collapsed title bar "Category Select- SIT.5) is clearly not as wide as in Fig. 4. In this regard, the title in Fig. 4 is expanded and says "SITUATION 5" rather than "SIT. 5". Such less text clearly shows the title bar is smaller and the system buttons necessarily have to move from their original location. Further, the location of the collapsed title bar of FIG. 3 appears to be lower and at a different offset than that of Fig. 4.

In view of the above, it can clearly be seen that Janssen does not teach the explicit and specific claim limitations of these dependent claims. It should also be noted that such claim

limitations provide the user with distinct advantages over the prior art - the ability to not have to move the cursor to follow or depress a new button provides clear and distinct advantages.

Accordingly, Appellants respectfully request reversal of the rejections.

E.   Dependent Claims 6, 16, and 26

These claims provide that the complete dialog window is displayed when the cursor moves within the collapsed version of the dialog window without additional action by the user. As described above, the use of such language provides limitations beyond the use of the term "only" in the independent claims. Accordingly, such claims would have no additional meaning and would be redundant if one were to accept the Examiner's assertions with respect to the independent claims. However, such a lack of meaning is contrary to traditional notions of claim interpretation (e.g., doctrine of claim differentiation). It is well understood that dependent claims impart meaning beyond that which is disclosed from other claims, especially independent claims.

In view of the above, Appellants respectfully request reversal of the rejections.

F.   Dependent Claims 9, 19, and 29 Are Not Separately Argued

2.   Claims 8, 10, 18, 20, 28, and 30 are patentable under 35 U.S.C. §103(a) in view of Janssen and further in view Wandersleben.

A.   Dependent Claims 8, 18, and 28 Are Not Separately Argued

B.   Dependent Claims 10, 20, and 30 Are Not Separately Argued

3.   Claims 7, 17, and 27 are patentable under 35 U.S.C. §103(a) in view of the combination of Janssen and Wandersleben and further in view of MSWord.

In addition to the differences between the independent claims and Janssen, the dependent claims provide further advantages. For example, dependent claims 7, 17, and 27 are directed towards the focus of the window wherein when the collapsed version of the window is displayed, the focus reverts to and the user is able to continue working in another window of the application

without any additional action by the user. There is not even a remote suggestion of such a teaching in Janssen. In this regard, Janssen teaches away from such a limitation. For example, since Janssen teaches to merely display the background radar information that does not have any user interaction, there would be no need to revert the focus to the background radar – there would be no reason or rationale for such a focus. Further, the user would be incapable of working in Janssen's background since the complete opaque window would be displayed as soon as the cursor moved into the area thereby returning the focus to the front informational window (see FIGS. 2-4 of Janssen).

The Office Action relies on Microsoft Word 2000 to teach the limitations of claims 7, 17, and 27. However, in view of the teaching away by Janssen, there would be no reason or rationale to combine Janssen with Microsoft Word 2000. The claims are specific in their use and limitations. Microsoft Word 2000 lacks numerous aspects of the claims and cannot be combined with Janssen. Again, Janssen teaches away from focusing on the background radar or another window. Accordingly, there would be no use or desire to change the focus as suggested in the Office Action or in Microsoft Word 2000.

In response to the above arguments, the prior final Office Action states that the Examiner disagrees and provides that the implementation described in Janssen is merely an example and it is understood that Janssen's teachings can be used in a plurality of environments, including those where background or other windows require user interaction. The final Office Action states that such teachings may be implemented within Microsoft Windows or Apple MacO/S operating systems, which may comprise background windows that require user input.

Appellants respectfully disagree with and traverse such assertions. The Office Action relies on col. 4, lines 20-40 for support of its assertion that it can be implemented in a Windows or Mac O/S. Col. 4, lines 20-40 explicitly provides that Janssen manages space where there is information in background windows that occupies large portions of the display surface and numerous information windows overlaying it. Again, this portion of Janssen explicitly and expressly provides that information is merely displayed in such windows. There is no hint or suggestion that any of the windows would require user interaction whatsoever. As stated above, it is not possible to use Janssen's invention to modify the focus. In the example provided (which

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is the only example recited and set forth in Janssen's figures), as soon as the user moves within the extent of the window, the opaque window is displayed once again. Thus, in Janssen, if the user did attempt to work in a background window that was within the extent of the opaque window, it would not be possible. Instead, every time the user would move the cursor into the background window, the opaque window would be displayed. Thus, the focus could never revert to the background windows.

Appellants again reassert that there is no teaching or suggestion, remote or otherwise, relating to the focus of background windows in Janssen. In this regard, the Office Action is extending far beyond the explicit teaching of Janssen without any support from the actual teaching of Janssen. Further, Janssen fails to even allude to any other examples or types of information that may be used in Janssen's invention. Instead, the Office Action is merely relying on a vague operating environment based description that states Janssen can be used on various operating systems. Regardless of the operating system in which Janssen may be installed, the teaching of Janssen does not change. Instead, there is no need to change the focus and it would be illogical to modify the focus of Janssen's windows because as soon as the cursor is moved back anywhere within the extent of the window, the old opaque window is displayed once again. Such a teaching teaches away from the assertion in the Office Action.

Again, the use of Word is wholly without merit. The MPEP §706.02(j) provides that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." There is no motivation within either reference to use Word in a user interface management system of Janssen and vice versa. Further, the Office Action fails to recite a motivation. Instead, the Action merely states that it would have been obvious to one of ordinary skill in the art to automatically revert focus of the windows in Jansset as taught by Word, in order to eliminate the need to click on the window to restore focus. Appellants note that such an assertion fails to provide a motivation to combine. Further, the elimination of the "need to click on the window to restore focus" would not work in Janssen. Instead, every time the user merely moved the cursor within the extent of Janssen's window the large opaque window would be displayed once again. Thus, the need to click on the window to restore focus

does not even exist in Janssen. Further, such an elimination of the need relies on impermissible hindsight offered by the teaching of the present invention.

In addition, a prior Advisory Action (dated March 16, 2006) indicates that a window with focus may simply be a window that is predominantly displayed. Appellants respectfully disagree. There is no foundation or rationale that supports such an interpretation of the word focus as used in the claims and set forth in the specification. Stating that a window with focus is merely a predominantly displayed window would not only lack support in the specification but would be indefinite because it would be unclear what predominant is. Further, the claims provide for reverting focus to another window. Further, in view of Philllips v. AWH Corp, 75 USPQ2d. 1321 (Fed. Cir. 2005), it is improper to look to definitions outside of the scope of the present specification for a definition of a term. Nonetheless, in an attempt to provide more clarity, Appellants previously amended these dependent claims to provide that the focus reverts to and the user continues to work in the other window without additional action by the user. Such claim language clearly differentiates a window that is merely predominantly displayed from those used in the present invention.

In addition, Appellants note that contrary to that asserted by the Patent Office, Ording (U.S. Patent No. 6,396,520) also fails to cure the deficiencies of the cited prior art. In this regard, Ording merely describes the minimization of a window to an icon via a set of various curves (see FIGs. 2A-2F and col. 3, line 26-col. 5, line 29). In another embodiment of Ording, a window slides out to a different size also based on a specific set of curves (see FIGs. 3A-3F and col. 5, line 30-col. 6, line 14). What is notoriously absent from Ording is any description whatsoever of the cursor movements or detailed steps of the presently claimed invention that allow Ording's window to slide out or shrink back. Instead, the only reference has to how to initiate the sliding window movement is in col. 6, lines 34-42:

> FIG. 6 depicts the steps associated with a method that might be employed to implement, for example, the window minimization/maximization technique shown in FIGS. 2A-2F. As shown in step 605, the method begins, of course, with an initiation step. Typically, this is accomplished by the user through the selection of an on-screen button, using a cursor control device, which may be physically associated with the window being minimized/maximized or by the user depressing one or more keys on a keyboard.

As can be seen from this text, buttons must be used to trigger the sliding window movement. Such actions are directly contrary to that required by the present claims and inconsistent with any of the other cited art. Further, there is no reason or motivation to combine Ording with the previously cited art.

In response to the above arguments, the final Office Action provides:

> Regarding dependent claim **7,** the Applicant argues that Janssen teaches away from changing the focus to another window, as is claimed, since Janssen does not describe windows which require user input, and since positioning a cursor in a portion of such a window covered by a collapsed (i.e. invisible) window would cause the collapsed window to reappear, and thus prohibit input into the covered window. ,In response, the Examiner respectfully submits that the Applicant's arguments ignore the fact that the U.S. Patent of Wandersleben (U.S. Patent No. 6,583,390 to Wandersleben et al.) was also applied in the previous Office Action to reject claim 7 (see e.g. pages 5 and 12-13 of the Office Action mailed 6/13/2006). That is, implementing the collapsible windows of Janssen within an application like that of Wandersleben, which requires input in windows covered by dialog boxes, is applicable to a teaching of reverting focus to an underlying window (e.g. Word). The Applicant's arguments with respect to claim 7 are thus moot in view of the grounds of rejection applied, but not considered by the Applicant.
>
> Moreover, and for the sake of argument, the Examiner again respectfully asserts that the radar implementation described by Janssen is merely an example, and it is understood that the teachings of Janssen may be implemented in a plurality of environments, including those where background or other windows require user interaction. Such applications are notoriously well known in the art. Also, in response to the Applicant's arguments that positioning a cursor in a portion of a window covered by a collapsed (i.e. invisible) window would cause the collapsed window to reappear, the Examiner respectfully submits that the user often times would not need to position the cursor in the window. That is, there are other methods in which a user could work in such a window (e.g. keyboard input) which would not result in the collapsed window reappearing and covering the user's work. The Applicant's argument is irrelevant regarding such cases.
>
> Further regarding claim 7, the Applicant argues that there would be no motivation to combine Janssen with Word (Microsoft Word 2000) as done in the previous Office Action. The Examiner, however, respectfully disagrees. Word clearly demonstrates the advantages of automatically reverting focus to a background window when a window covering the background window is collapsed: the user is more efficiently able to input information into the background window, since he or she does not need to select the background window to bring it into focus and allow to user to enter information into the window (e.g. text via keyboard input). Such a teaching is directly applicable to' Janssen and Wandersleben.

Appellants respectfully disagree with and traverse such an assertion. With respect to the teaching away argument, Appellants submit that since Janssen teaches away from the reverting of focus, Janssen cannot be combined with a reference that describes such a reversion. In this regard, Appellants note that under MPEP 2141.02, the prior art must be considered in its entirety including disclosures that teach away from the claims. Further, under MPEP 2143.01, the modifications or use of Janssen in the manner suggested by the Examiner would in fact render

Janssen unsatisfactory for its intended purpose and would change the principle of operation of Janssen. In this regard, since Janssen in fact teaches away from the reverting of focus as described above, Janssen cannot be used in a manner inconsistent with such a teaching. Further, if combined with a reference that teaches such a reversion of focus, Janssen would not work. For example, at col. 1, lines 41-50 describe the purpose and intent of Janssen:

> However, there is a class of applications where the information in the windows changes dynamically independently of operator intervention. For example, in an Air Traffic Control display, one window may contain a geographic view of the airspace in which aircraft are plotted on the display according to their current position based on radar reports. Another window may have a dynamically changing table summarizing details about each aircraft including information such as current speed and altitude, which is updated based on radar reports.

As can be seen from this text, there is no need to focus on the window or to allow the user to work in the window since the information in the window changes dynamically independently of the operator intervention. In an air traffic control display, if the user were to change the information, the change could result in catastrophic error (e.g., an airline accident). As a result, as can be seen throughout Janssen, Janssen explicitly teaches the lack of focus on the underlying window. Further, as described above, Janssen explicitly teaches that if the cursor is moved within an extent of a window, the window is displayed again - thus, it would be impossible to revert focus to a window underneath the extent of a different window.

The Office Action asserts that Wandersleben was applied and describes the use of dialog boxes. Appellants note that Wandersleben merely describes the shrinking and use of windows as is known in the prior art. Such a minimizing or closing of windows to access another window is not even remotely similar to that of the presently claimed invention. In fact, Appellants note that the final Office Action explicitly provides that "Neither Janssen nor Wandersleben, however, explicitly discloses that the focus is reverted to the underlying window without additional actino by the user when the collapsed version of the dialog window is displayed..." Thus, contrary to that asserted by the Examiner, Appellants did consider the use of Wandersleben but agreed with the Examiner's conclusion that Wandersleben failed to teach the invention as claimed. As a result thereof, Appellants addressed the use of the Word reference that was used to support the conclusory statement that such functionality is well known in the art.

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The final Office Action again asserts that the radar implementation of Janssen is merely an example and that applications are notoriously well known in the art. The Examiner further asserts that there are often times in which a user could work in a window (e.g., keyboard input) which would not result in the collapsed version reappearing and covering the user's work. Again, as stated above, Janssen would not have any use for focus reverting to the background window since Janssen explicitly provides that such information is updated dynamically independently of operator intervention. Accordingly, the Examiner is setting forth an assertion without any support in the reference or art. Such a conclusory allegation is wholly without merit and improper.

The final Office Action continues and provides that Word clearly demonstrates the advantages of automatically reverting focus to a background window when a window covering the background window is collapsed. Such an argument completely disregards and ignores the fact that there is no suggestion or motivation to combine Word with Janssen. Appellants direct the attention of the Examiner to the arguments above in this regard. Further, Appellants submit that the combination of Word with Janssen would be inoperable and could not work as asserted in the final Office Action.

In view of the above, Appellants respectfully request reversal of the rejections.

VIII.   Conclusion

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

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CLAIMS APPENDIX

1.   A computer-implemented method for collapsing a dialog window of an application, comprising:

displaying a complete dialog window of a currently active application on a display device;

determining a location of a cursor with respect to the dialog window;

displaying a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window; and

displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window.

2.   (CANCELLED)

3.   The method of claim 1 wherein the collapsed version of the dialog window comprises a size that exactly encompasses a title of the dialog window and system buttons.

4.   The method of claim 1 wherein the collapsed version of the dialog window is displayed in response to the cursor moving outside of the complete dialog window without additional action by a user.

5.   The method of claim 1 wherein the collapsed version of the dialog window is displayed such that system buttons, within the dialog window, are in a same position, on a display device, in the collapsed version of the dialog window as when the complete dialog window is displayed, wherein the system buttons do not move away from the cursor when the dialog window collapses or expands.

6.   The method of claim 1 wherein the complete dialog window is displayed when the cursor moves within the collapsed version of the dialog window without additional action by a user.

7.   The method of claim 1 further comprising reverting focus to and working in another window of the currently active application without additional action by a user when the collapsed version of the dialog window is displayed.

8.   The method of claim 1 wherein the collapsed version of the dialog window is displayed when the cursor moves outside of the dialog window for a defined minimum time period, wherein the minimum time period is defined in an application that displays the dialog window.

9.   The method of claim 1 wherein:

the ability to display a collapsed version of a dialog window is controlled by a selectable system icon displayed in a title bar of the dialog window;

when the selectable system icon is selected as active, the ability, to display a collapsed version of the dialog window through further cursor movement without depressing a button of the dialog window, is active; and

when the selectable system icon is not selected and is inactive, the complete dialog window is displayed and the ability, to collapse the dialog window through further cursor movement without depressing a button of the dialog window, is disabled.

10.   The method of claim 1 wherein the dialog window is a modeless dialog window.

11.   An article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer to perform a method for collapsing a dialog window of an application executing on the computer, the method comprising:

displaying a complete dialog window of a currently active application on a display device;

determining a location of a cursor with respect to the dialog window;

displaying a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the collapsed version of the dialog window

consumes a smaller area of the display device than the complete dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window; and

displaying the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the collapsed version of the dialog window without depressing a button of the dialog window.

12.   (CANCELLED)

13.   The article of manufacture of claim 11 wherein the collapsed version of the dialog window comprises a size that exactly encompasses a title of the dialog window and system buttons.

14.   The article of manufacture of claim 11 wherein the collapsed version of the dialog window is displayed in response to the cursor moving outside of the complete dialog window without additional action by a user.

15.   The article of manufacture of claim 11 wherein the collapsed version of the dialog window is displayed such that system buttons, within the dialog window, are in a same position, on a display device, in the collapsed version of the dialog window as when the complete dialog window is displayed, wherein the system buttons do not move away from the cursor when the dialog window collapses or expands.

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16.   The article of manufacture of claim 11 wherein the complete dialog window is displayed when the cursor moves within the collapsed version of the dialog window without additional action by a user.

17.   The article of manufacture of claim 11, the method further comprising reverting focus to and working in another window of the currently active application without additional action by a user when the collapsed version of the dialog window is displayed.

18.   The article of manufacture of claim 11 wherein the collapsed version of the dialog window is displayed when the cursor moves outside of the dialog window for a defined minimum time period, wherein the minimum time period is defined in an application that displays the dialog window.

19.   The article of manufacture of claim 11 wherein:

the ability to display a collapsed version of a dialog window is controlled by a selectable system icon displayed in a title bar of the dialog window;

when the selectable system icon is selected as active, the ability, to display a collapsed version of the dialog window through further cursor movement without depressing a button of the dialog window, is active; and

when the selectable system icon is not selected and is inactive, the complete dialog window is displayed and the ability, to collapse the dialog window through further cursor movement without depressing a button of the dialog window, is disabled..

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20.   The article of manufacture of claim 11 wherein the dialog window is a modeless dialog window.

21.   A system for collapsing a dialog window of an application in a computer system comprising:

(a)   a computer;

(b)   a display device connected to the computer; and

(c)   a currently active application executing on the computer, the application configured to:

(i)   display a complete dialog window of the currently active application on the display device;

(ii)   determine a location of a cursor with respect to the dialog window;

(iii)   display a collapsed version of the dialog window in response to the cursor moving from within the complete dialog window to outside of the complete dialog window without depressing a button of the dialog window, wherein the collapsed version of the dialog window consumes a smaller area of the display device than the complete dialog window and wherein the collapsed version of the dialog window comprises a title bar of the dialog window; and

(iv)   display the complete dialog window in response to the cursor moving only from outside of the collapsed version of the dialog window to within the title bar of the

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collapsed version of the dialog window without depressing a button of the dialog window.

22.   (CANCELLED)

23.   The system of claim 21 wherein the collapsed version of the dialog window comprises a size that exactly encompasses a title of the dialog window and system buttons.

24.   The system of claim 21 wherein the collapsed version of the dialog window is displayed in response to the cursor moving outside of the complete dialog window without additional action by a user.

25.   The system of claim 21 wherein the collapsed version of the dialog window is displayed such that system buttons, within the dialog window, are in a same position, on a display device, in the collapsed version of the dialog window as when the complete dialog window is displayed, wherein the system buttons do not move away from the cursor when the dialog window collapses or expands.

26.   The system of claim 21 wherein the complete dialog window is displayed when the cursor moves within the collapsed version of the dialog window without additional action by a user.

27.   The system of claim 21, the application further configured to revert focus to and working in another window of the currently active application without additional action by a user when the collapsed version of the dialog window is displayed.

28.   The system of claim 21 wherein the collapsed version of the dialog window is displayed when the cursor moves outside of the dialog window for a defined minimum time period, wherein the minimum time period is defined in an application that displays the dialog window.

29.   The system of claim 21 wherein:

the ability to display a collapsed version of a dialog window is controlled by a selectable system icon displayed in a title bar of the dialog window;

when the selectable system icon is selected as active, the ability, to display a collapsed version of the dialog window through further cursor movement without depressing a button of the dialog window, is active; and

when the selectable system icon is not selected and is inactive, the complete dialog window is displayed and the ability, to collapse the dialog window through further cursor movement without depressing a button of the dialog window, is disabled.

30.   The system of claim 21 wherein the dialog window is a modeless dialog window.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.